

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Based on information provided by the petitioner when she applied for coverage in March 2006, the Department determined the gross family income to be \$5,795.30 a month. In a decision dated April 10, 2006, the Department notified the petitioner that her children did not qualify for Dr. Dynasaur, and that they would not be financially eligible for regular Medicaid coverage until each of them met a spenddown

amount of \$6,711.45 for the six-month period beginning April 1, 2006.

3. The petitioner does not dispute the Department's determination of the total amount of family income. It appears, however, that one of her children has severe medical needs. At the hearing in this matter, held on April 24, 2006, the petitioner was advised to apply for the Katie Beckett program, which has more liberal income requirements than Dr. Dynasaur.¹

ORDER

The Department's decisions are affirmed.

REASONS

Under the Department's regulations a child is financially eligible for the Dr. Dynasaur program only if his or her family's gross income is below 300 percent of federal poverty levels. W.A.M. § 3301.32. This amount for a household of four persons is currently \$5,013. Procedures Manual § P-2420B. As noted above, there is no dispute that the petitioner's gross household income as of April 1, 2006 was \$5,795.30.

¹ The petitioner may also reapply for Dr. Dynasaur if she believes her income would be less if it were averaged on an annual or semiannual basis.

In determining the children's eligibility for "regular" Medicaid, the Department allowed the petitioner a maximum earned income deduction of \$90 each for her and her husband, and it appears that no other deductions apply. See W.A.M. §§ M352-M352.4. This yielded a countable family income of \$5,615.30.

It further appears that the most beneficial method of determining each child's eligibility for Medicaid (which the Department did in this case) is to consider each one as one-quarter of a household of four, and to compare one-quarter of the countable household income (\$1,403.82) to one quarter of the income maximum for a household of four persons (\$285). This resulted in each of the petitioner's children being ineligible for Medicaid until each incurs medical expenses of \$6,711.42 in the six month period beginning April 1, 2006 (\$1,403.82 - \$285.25 X 6).

As noted above, the petitioner does not dispute the numerical bases of the Department's decisions. Inasmuch as the Department's decisions in the matter were based upon an accurate determination of the petitioner's family income and were in accord with the applicable regulations, the Board is

bound to affirm them. 3 V.S.A. § 3091(d), Fair Hearing Rule
No. 17.

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